REMARKS

Claims 27-31 are pending in the application. All claims stand rejected under §103 as being unpatentable over EP 0491069 to Pirovano in view of U.S. Patent No. 6,370,143 to Yamagishi. For the reasons set for the below, reconsideration of the application is respectfully requested.

1.   Applicant's claimed invention.

Applicant's claimed invention is a method for transmitting messages over a communication network for updating a large quantity of network user terminal databases while preventing transmission overloading. The messages are transmitted from a managing center to a plurality of distributed user databases, with each user database being stored in a user terminal. The method comprises the steps of: 1) providing identical messages without any database addressing to be transmitted from the managing center, with the messages having conditional controls that include queries for searching the content of distributed user databases for predetermined data; 2) transmitting the messages over the user network to a set of user terminals not defined in advance; and 3) conditional updating of each distributed user terminal database according to criteria that determines whether said predetermined data is either present or not present in the content of the distributed user databases.

Thus, an important aspect of applicant's claimed method is that the messages that are transmitted have conditional controls (logic) in the data stream. The conditional controls allow the conditional updating of a user's database based on commands that are embedded in the message stream. With the technology of the claimed invention the logic that controls whether the user's database should be updated need not reside in the user's terminal.

2.   European Patent Publication 491,069 to Pirovano.

European Patent Publication 491,069 to Pirovano is cited against the application. According to the Office, Pirovano discloses "providing identical messages without any database addressing to the transmitted from the managing center, having controls that include queries for searching the content of distributed user database for predetermined data; and conditional updating of distributed user terminal database according to criteria that determines whether said predetermined data is either present or not present in the content of the distributed user terminal database." Office Action at page 5.

To the extent that the Office contends that Pirovano discloses transmitting messages containing conditional control logic that allows the conditional updating of a user's database based on commands that are embedded in the message stream, that contention is believed to be in error. To the extent Priovano discloses any "controls" at all, they are simply controls for establishing and terminating the connection, and are not related to database management. Pirovano's "controls" simply do not include queries for searching the database.

3.   U.S. Patent No. 6,370,142 to Yamagishi.

U.S. Patent No. 6,370,142 to Yamagishi is also cited against the application. According to the Office, "Yamagishi teaches a server structures at least update report data and transmits the update report data over a unidirectional broadcasting network enabling broadcast and contents of the databases are updated with the distributed data and conditional updating of the database." Office Action at page 5.

It is unclear what the Office contends Yamagishi adds to Pirovano, but if the Office contends that Yamagishi discloses transmitting messages containing conditional control logic that allows the conditional updating of a user's database based on commands that are embedded

in the message stream, that contention is believed to be in error. To the extent Yamagishi discloses any "controls" in the transmitted datastream, they do not appear to include queries for searching the database.

4.   The combination of Pirovano with Yamagishi.

In support of the rejection based on §103, the Office cites the combination of Pirovano with Yamagishi. According to the Office, [i]t would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Yamagishi with Pirovano to enable quick and efficient distribution of data." Office Action at page 5. Except as discussed above, the Office Action is silent as to how the combination of Pirovano with Yamagishi would teach or suggest each and every limitation of applicant's claims.

The rejections under §103 based on the combination of Pirovano with Yamagishi should be withdrawn because that combination does not teach or suggest every limitation of the pending claims. In particular, since neither Pirovano nor Yamagishi discloses transmitting messages that have conditional controls (logic) in the data stream, wherein the conditional controls allow the conditional updating of a user's database based on commands that are embedded in the message stream. Accordingly, the combination of those two references cannot teach or suggest that aspect of applicant's claimed invention.

5.   Rejections Based on §112.

The Office Action states that the claim terms "by preventing transmission overloading" and "a set of user terminals not defined in advance" are not described in the specification in such as way as to reasonably convey to one skilled in the art that the inventor has possession of the claimed invention. The Office also states that those claim terms are indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the

invention. Applicant respectfully submits that the offending terms and concepts are disclosed in the application as filed, including, for example, at pages 1 and 3. Applicant also respectfully submits that the claims as presently pending, satisfy the statutory requirement of particularly pointing out and distinctly claiming the subject matter which applicant regards as the invention. However, to the extent the claim terms may be amended or deleted to even more particularly point out and distinctly claim the subject matter which applicant regards as the invention, applicant is open to discussing such amendments in a telephonic interview with the examiner.

6.   Conclusion.

In view of the foregoing, it is respectfully submitted that the cited references, taken individually or in combination, do not teach or suggest each and every limitation of applicant's claimed invention. The rejections under §103 should therefore be withdrawn. Favorable reconsideration of the amended application is therefore respectfully requested.

Respectfully submitted,

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